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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ACTIVISION PUBLISHING, INC.,

Plaintiff,

v.

RYAN ROTHOLZ a/k/a "Lerggy,"
"Lerg," "Lergster," "The Pimp,"
"Joker0699," and "Joker"; COLLIN
GYETVAI a/k/a "Cid" and
"CollinOnDex"; JORDAN
NEWCOMBE BOOTHEY a/k/a
"Bossnight55" and "Aussie"; DOE 1
a/k/a "Seemo"; DOE 2 a/k/a "CEO,"
"wndprochandler," and "8485"; and
DOES 3 through 10, inclusive,

Defendants.

CASE NO. 2:25-cv-04075-SPG-(BFMx)

Judge: Hon. Sherilyn Peace Garnett

**PLAINTIFF'S NOTICE OF *EX*
PARTE AND *EX PARTE*
APPLICATION REQUESTING
ENTRY OF DEFAULT AGAINST
DEFENDANT JORDAN
NEWCOMBE BOOTHEY**

[Declaration of Mark C. Humphrey and
(Proposed) Order filed concurrently
herewith]

Filed: May 7, 2025

NOTICE OF EX PARTE APPLICATION

PLEASE TAKE NOTICE that Plaintiff Activision Publishing, Inc. (“Activision”) hereby applies *ex parte* requesting entry of default against Defendant Jordan Newcombe Boothey (“Boothey”) on the grounds that Boothey has now been served with the operative Complaint and has failed to appear or otherwise respond within the time prescribed by the Federal Rules of Civil Procedure. Declaration of Mark C. Humphrey (“Humphrey Decl”) ¶ 2.

This Request is made on an *ex parte* basis because (1) the Clerk of Court is not authorized to determine the propriety of service in a foreign country, (2) the Request necessarily is not (and will not be) opposed by any affected party, and (3) Activision wishes to minimize delay in proceeding to default judgment for all defaulting defendants. Plaintiff is concurrently seeking entry of default by the Clerk as to other Defendants who have failed to respond to the Complaint in accordance with Fed. R. Civ. P. 55.

Activision was unable to meet and confer pursuant to Local Rule 7-19 with Defendant Boothey because he has not entered an appearance in this case.

DATED: AUGUST 20, 2025

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By: /s/ Mark C. Humphrey
Marc E. Mayer (SBN 190969)
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

By this Application, Plaintiff Activision Publishing, Inc. (“Activision”) requests entry of default against Defendant Jordan Newcombe Boothey (“Boothey”). Defendant has been served with the operative Complaint and has failed to appear or otherwise respond within the time prescribed by the Federal Rules of Civil Procedure. Humphrey Decl., ¶¶ 2-5.

Entry of default against Defendant Boothey is proper and appropriate. On June 24, 2025, Activision properly served Defendant Boothey with the Summons and Complaint under the Hague Convention, as evidenced by the proof of service on file with this Court dated August 7, 2025. *Id.*, ¶ 2; *see* Dkt. No. 26.

Neither Activision nor the Court have granted Boothey any extensions of time to respond to the Complaint. *Id.* ¶ 4. Activision is informed and believes that Boothey is not an infant or an incompetent person or in the military service. Humphrey Decl. ¶ 5.

II. CONCLUSION

Activision respectfully requests that the Court enter default as to Defendant Boothey.

DATED: AUGUST 20, 2025

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Certificate of Compliance-L.R.11-6.2.

The undersigned, counsel of record for Activision Publishing, Inc., certifies that this brief contains 165 words, which complies with the word limit of L.R. 11-6.1.

DATED: AUGUST 20, 2024

/s/ Mark C. Humphrey